

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

NELSON L. BRUCE,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES,
LLC, EXPERIAN INFORMATION
SOLUTIONS, INC., TRANS UNION, LLC,
and UNKNOWN DOES 1-100,

Defendants.

CASE NO.: 2:21-cv-03603-BHH-MGB

**DEFENDANTS EXPERIAN INFORMATION SOLUTIONS, INC., AND
TRANSUNION, LLC’S RESPONSE IN OPPOSITION TO PLAINTIFF’S
MOTION FOR DEFAULT JUDGMENT**

COMES NOW, Experian Information Solutions, Inc. (“Experian”), and Trans Union, LLC (“TransUnion”) (collectively “Defendants”), in the above-referenced action, and hereby request that this Court deny Plaintiff’s Motion for Entry of Default Judgment [ECF No. 27] because Defendants timely filed a response [ECF 26] to Plaintiff’s Verified Complaint.

The Court granted the Defendants’ Motions for Extension of Time to Respond to Plaintiff’s Complaint [ECF 17, 23]. Accordingly, the deadline for Defendants to respond was January 27, 2022. Defendants filed their Joint Motion for More Definite Statement on January 27, 2022 [ECF No. 26].

Default judgment is only entered when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend the case. *See* FED. R. CIV. P. 55(a). Plaintiff contends Defendants “fail[ed] to plead or otherwise defend” as required by the Federal Rules of Civil Procedure. However, Defendants filed a responsive pleading within the permitted timeframe, as allowed by Rule 12 of the Federal Rules of Civil Procedure, in lieu of filing an answer to Plaintiff’s Complaint. Indeed, Defendants’ responsive pleading was in the form of a

Joint Motion for More Definite Statement under Rule 12(e). FED. R. CIV. P. 12(e). Such a motion “must be made before filing a responsive pleading and must point out the defects complained of and the details desired.” *Id.* (emphasis added). Federal courts in this district have rejected such a motion when filed after or at the same time as an answer to the purportedly defective complaint. *See, e.g., Holcombe v. Helena Chem. Co.*, 238 F. Supp. 3d 767, 773-774 (D.S.C. 2017) (denying motion for more definite statement that was filed after answer as “untimely”). Accordingly, Defendants properly and timely filed a Joint Motion for More Definite Statement and Defendants’ filing of this motion in lieu of an answer to Plaintiff’s Complaint was not improper or erroneous.

Defendants respectfully request that this Court deny Plaintiff’s Motion for Entry of Default Judgment [ECF No. 27].

Respectfully submitted,

s/Lyndey R. Z. Bryant

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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2022, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

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I further certify that I forwarded a copy of the foregoing by U.S. First Class Mail to the following non-CM/ECF participants:

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